

**AMENDMENT UNDER 37 C.F.R. 1.116 – EXPEDITED PROCEDURE**

Serial Number: 10/750,224

Filing Date: December 31, 2003

Title: APPARATUS AND METHOD INTEGRATING AN ELECTRO-OSMOTIC PUMP AND MICROCHANNEL ASSEMBLY INTO A DIE PACKAGE

Assignee: Intel Corporation

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Dkt: 884.855US1 (INTEL)

**REMARKS**

This responds to the Office Action mailed on May 4, 2006.

No claims are amended, canceled, or are added; as a result, claims 2-15 and 27-29 remain pending in this application. Claims 2-15 stand allowed.

**Interview Summary**

Applicant thanks Examiner Tuan Quach for the courtesy of a telephone interview on July 13, 2006 with Applicant's representative Charles E. Steffey.

In the course of the interview Applicant's attorney pointed out that the rejection of claims 27-29 under 35 USC § 103(a) as being unpatentable over Kim et al. (U.S. 2005/0062150 A1) had been properly removed when Applicant made of record the fact that the present application and cited Kim et al publication were commonly owned by, or subject to an obligation of assignment to Intel corporation at the time that the invention of all claims of the present application was made. Applicant specifically requested that the Examiner explain the basis for the refusal to remove the 35 USC § 103(a) rejection based upon Kim et al. The Final Office Action had stated that the basis for the refusal was that "Kim et al qualifies as prior art under another subsection of 35 USC 102, and therefore, is not disqualified as prior art under 35 USC 103(c)." The Office Action did not indicate what section of 35 USC 103(c) was the basis for the refusal to disqualify Kim et al. In the interview, the Examiner did not identify the section in response to the Applicant's attorney's request that he do so.

No agreement was reached on any of the issues discussed.

**§103 Rejection of the Claims**

Claims 27-29 were rejected under 35 USC § 103(a) as being unpatentable over Kim et al. (U.S. 2005/0062150 A1).

As pointed out in the July 13 Interview with Examiner Quach and in the Interview summary above, claims 27-29 were first rejected under 35 USC § 103(a) as being unpatentable over Kim et al. in the Office Action of July 27, 2005. In the Response of January 27, 2006, the

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facts of common ownership were made of record thereby disqualifying Kim et al as a reference.

Those facts were accepted as to claims 10-12, but not for claims 27-29.

The Final Office Action continues to reject claims 27-29 under 35 USC 103(a), apparently based upon a contention that "Kim et al. apparently qualifies as prior art under another subsection of 35 U.S.C. 102, and therefore, is not disqualified as prior art under 35 USC 103(c)." Applicant respectfully traverses the rejection as unsupported, since it points to no facts or reasoning from which one can determine what there is about the Kim et al reference that would preclude it from being disqualified as a reference under 35 USC 103(c).

Reconsideration and withdrawal of the rejection of claims 27-29 is again respectfully requested.

*Allowable Subject Matter*

Claims 2-15 have been allowed.

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Conclusion

Applicant respectfully submits that the claims 27-29 are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6970 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ALAN M. MYERS ET AL.

By their Representatives,  
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Attorneys for Intel Corporation  
P.O. Box 2938  
Minneapolis, Minnesota 55402  
(612) 373-6970

Date

July 27, 2006

By

Charles E. Steffey  
Reg. No. 25,179

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27th day of July, 2006.

Name

Amy Moriarty

Signature

GJS